



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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TO: Members, Public Disclosure Commission

FROM: Doug Ellis
Acting Assistant Director

DATE: April 18, 2005

SUBJECT: Continuation of Rule-Making Process, Public Hearing and Possible Adoption

The following proposed rule amendments are presented as a continuation of the rule making activity first undertaken at your December 2, 2004 meeting.

WAC 390-37-090 Informal Settlement – Cases Resolved by Stipulation prior to an Enforcement Hearing (adjudicative proceeding), or by other Alternative Dispute Mechanisms. Proposed rule amendment to remove the requirement to read stipulations into the record. See attached proposed amendment.

WAC 390-37-060 Enforcement procedures – Investigation of complaints – Initiation of hearing (adjudicative proceeding). Proposed rule amendment to WAC 390-37-060(3). The term “other consideration” is overly broad as it relates to the 10 calendar day notification to respondents prior to a meeting of the Commission. Staff recommends the 10 day notice only apply to actual hearings under The Administrative Procedures Act and not to pre-hearing conferences and the like. See attached proposed amendment.

WAC 390-19-030 Electronic Filing – Reporting Threshold. Proposed rule amendment to exempt last minute in-kind contributions from the expenditure threshold for mandatory electronic filing. The proposed amendment would exempt in-kind contributions pledged or received within eight days of an election from computation regarding the \$10,000 mandatory electronic filing threshold. In staff's view, in-kind contributions received late in the campaign could be exempted from computations regarding mandatory electronic filing without jeopardizing the public's right to know, since electronic filing is most valuable before an election and the in-kind contributions in question would not trigger electronic filing until after the election. See attached proposed amendment.

WAC 390-16-125 Mini Campaign Reporting – Exceeding Limitations. Proposed rule amendment to provide more guidance to candidates and political committees as to when a change in reporting options from Mini reporting to Full reporting is allowed. See attached proposed amendment.

WAC 390-16-105 Mini campaign reporting – Eligibility. Proposed rule amendment to clarify which provisions of RCW 42.17 are not applicable when selecting the Mini reporting option and emphasizing that all other provisions of the disclosure law are pertinent.

WAC 390-20-130 Forms for statement of employment of legislators, state officers, and state employees. Proposed rule amendment to update the L-7 form. When the L-7 form was last revised language was inadvertently excluded from the instructions. The new form also revises the certification language to include the phrase “to the best of my knowledge.” See attached proposed amendment.

Action by the Commission: At this point, staff is requesting the Commission approve the proposed language in WAC 390-37-090, WAC 390-37-060, WAC 390-19-030, WAC 390-16-125, WAC 390-16-105 and WAC 390-20-130. If approved, the new proposed language will be filed with the Code Reviser’s Office and will become effective 31 days after filing.